

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

)

MIGUEL MOLINA ET AL, ) Civil Action No. 1:23-cv-257

Plaintiffs, )

v. )

GEORGE M. LITTLE, ET AL )

Defendants. )

**ORDER**

The Plaintiffs<sup>1</sup> in this matter have submitted for filing a complaint. However, only Plaintiff Miguel Molina has submitted the required forms to proceed in forma pauperis in a civil rights case. In Hagan v. Rogers, 570 F.3d 146 (3d Cir. 2009), the Court of Appeals for the Third Circuit held that prisoners are not categorically barred from joining as plaintiffs under Federal Rule of Civil Procedure 20, and further addressed certain consequences applicable to civil cases in which multiple prisoner plaintiffs seek to join in one action pursuant to Rule 20. For example, it held that where the entire filing fee has not been prepaid, the full filing fee must be assessed against each in forma pauperis co-plaintiff to join under Rule 20, as though each plaintiff were proceeding individually. Id. at 150. The Plaintiffs in this case have not prepaid the full filing fee. Therefore, this action may not proceed with the remaining Plaintiffs unless

- (1) someone tenders to the “Clerk, U.S. District Court” a statutory filing fee in the amount of \$402.00, or,

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<sup>1</sup> The Plaintiffs are all inmates currently incarcerated at SCI-Forest

(2) each Plaintiff files a properly completed application to proceed in forma pauperis, along with an authorization form and a certified copy of their prison account statements for the six (6) months preceding the filing of the complaint.

Therefore,

**IT IS HEREBY ORDERED** this 31<sup>st</sup> day of August, 2023, that, if they desire to proceed with this action, each of the remaining Plaintiffs must submit a motion to proceed in forma pauperis, along with certified copies of their inmate account statements for the six (6) months preceding the filing of the complaint. Or, they may proceed with this case by someone pre-paying the full \$402.00 filing fee.

**IT IS FURTHER ORDERED that** if the remaining Plaintiffs do not submit motions to proceed in forma pauperis or pre-pay the \$402.00 filing fee within thirty (30) days from the date of this Order then they will be dismissed from this action and this case will proceed with only those Plaintiffs who have complied with this Order.



Mark R. Hornak  
Chief United States District Judge

cc: Miguel Molina  
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